

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Onjela Mildred Graham, ) C/A No. 8:12-3561-GRA  
                          )  
                          Plaintiff, )  
                          )  
vs.                      )                          **ORDER**  
                          )  
                          )  
John Murray; John Long; John Doe; )  
Richard Roe; Greenwood County Sheriffs )  
Office; Index Journal; Greenwood County )  
Magistrate Office; Judge Ryan Johnson, )  
                          )  
                          Defendants. )  
                          )  
\_\_\_\_\_ )

Plaintiff, Onjela Mildred Graham ("Plaintiff"), proceeding *pro se* and *in forma pauperis*, filed a Complaint pursuant to 42 U.S.C. § 1983, on December 18, 2012. See ECF No. 1. However, Plaintiff failed to submit proposed service documents for the named Defendants. By Order issued on January 2, 2013, United States Magistrate Judge Kevin F. McDonald granted Plaintiff's Motion for Leave to proceed *in forma pauperis* (ECF No. 2) and ordered Plaintiff to submit properly completed summonses and Forms USM-285 for Defendants, as required by this Court's standing order *In Re: Procedures in Civil Actions Filed by Non-Prisoner Pro Se Litigants*, No. 3:07-mc-5015-JFA (D.S.C. Sept. 18, 2007), to bring this case into proper form for evaluation and possible service of process. See ECF No. 10. Magistrate Judge McDonald warned Plaintiff that failure to provide the necessary service documents within the timetable set forth in the Order may subject the case to dismissal. *Id* at p. 1. The Order was mailed to Plaintiff at the address Plaintiff provided to the Court, i.e. 115 D Jasmine Ct., Greenwood, S.C. 29646.

Plaintiff failed to respond to the Order, and the time for responding lapsed on January 28, 2013. The mail in which the Order was sent to Plaintiff has not been returned to the Court. Thus, the Court presumes that Plaintiff received the Order, but has neglected to comply with it within the time permitted under the Order. Plaintiff's lack of response to the Order indicates an intent to discontinue prosecuting this case and subjects this case to dismissal. As Plaintiff has failed to prosecute this case and failed to comply with the Court's Order, this case is ***dismissed without prejudice***, pursuant to Rule 41 of the Federal Rules of Civil Procedure. See *Link v. Wabash Railroad Company*, 370 U.S. 626 (1962).

**IT IS SO ORDERED.**



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G. Ross Anderson, Jr.  
Senior United States District Judge

February 4, 2013  
Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

Plaintiff has the right to appeal this Order within thirty (30) days from the date of the entry of this Order, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, will waive the right to appeal.